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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/778,818	02/08/2001	Edlis Ofir	P-3309-US	7716
49444	7590	10/05/2006	EXAMINER	
PEARL COHEN ZEDEK LATZER, LLP 1500 BROADWAY, 12TH FLOOR NEW YORK, NY 10036			GHULAMALI, QUTBUDDIN	
			ART UNIT	PAPER NUMBER

2611

DATE MAILED: 10/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	09/778,818	OFIR ET AL.	
	Examiner	Art Unit	
	Qutub Ghulamali	2611	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 13 July 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-8 and 10-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8, 10-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 07/13/2006 has been entered.

### ***Response to Remarks/Amendments***

2. Applicant's remarks/amendments, see pages 6-10, filed 07/13/2006, with respect to the rejection(s) of claim(s) 1-8, 10-19 under 35 U.S.C 102(e) and 35U.S.C 103(a), have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of newly found art.

The rejection follows.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-3, 6-8, 10-11, 15 and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Gollnick et al (USP 5,940,771).

Regarding claim 1, Gollnick, discloses a method comprising:

a Radio Frequency module (fig. 13, element 1303) with an incoming antenna (element 1302) performing processing operations at a first clock rate (slow clock rate and a fast clock rate is disclosed) during at least part of a first time period in which signals are received and stored by Radio Frequency module (abstract; col. 24; lines 23-36; col. 28, lines 45-60); and

performing background processing (the receiver is activated in synchrony with the transmissions of pending message indications from at least one of the base stations, otherwise the transceiver (radio frequency module) is deactivated or put in sleep mode, the terminal sleeps through pluralities of transmissions operates at a lower frequency when in listen mode) of at least a portion of said received signals at a second, faster clock rate during at least part of a second time period in which said Radio Frequency module is de-activated (abstract; col. 24, lines 10-19, 23-55; col. 34, lines 39-45; col. 54, lines 23-34).

As per claims 10 and 15, claims 10 and 15 are corresponding system apparatus claims and are similarly analyzed as method claim 1 above.

Regarding claim 2, Gollnick discloses process operation comprise processing spread spectrum signals (col. 30, lines 19-22).

As per claim 3, Gollnick discloses show use of CDMA processing of signals in wireless communication system (col. 13, lines 44-51).

Regarding claim 6, Gollnick discloses receiving a carrier during at least part of said second time period (col. 32, lines 3-19).

Regarding claim 7, Gollnick discloses receiving signal at least one wake period of a slotted mode (col. 34, lines 30-45, 53-63).

As per claim 8, Gollnick discloses reducing the power consumed during said at least one wake period after receiving said received signals (sleep mode involves powering down to conserve power after wakeup period) (col. 34, lines 30-38).

Regarding claims 11 and 16, Gollnick discloses a memory device adapted for storing therein said portion of received signals, and said processor comprises a digital processing unit, wherein said memory device is adapted to input said portion of received signals to said digital processing unit (figs. 3, 4, elements 40, 70; col. 9, lines 50-67; col. 10, lines 1-20, 28-31).

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 4-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gollnick et al (USP 5,940,771) in view of Challa et al (US Patent 6,453,181).

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As to claim 4, Gollnick, discloses all limitations of the claim except does not explicitly disclose performing at least one of synchronizing pseudorandom noise (PN) offset of said received signals, searching for at least one neighboring communications cell and searching for at least one candidate communications cell. Challa in a similar field of endeavor discloses performing at least one of synchronizing pseudorandom noise (PN) offset of said received signals, searching for at least one neighboring communications cell and searching for at least one candidate communications cell (col. 3, lines 7-10; col. 4, lines 46-59; col. 9, lines 17-25). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to use synchronizing pseudorandom noise (PN) offset of said received signals, searching for at least one neighboring communications cell as taught by Challa in the system of Gollnick because the use of synchronization cell search can reliably track the elapsed time even during the wake or sleep cycle.

As per claim 5, Gollnick discloses all limitations of the claim above except, does not explicitly disclose detecting a current pseudorandom noise (PN) offset of said received signals, and, if different from a previous PN offset, shifting to the current PN offset. Challa in a similar field of endeavor further discloses detecting a current pseudorandom noise (PN) offset in said received signals, and, if different from a previous PN offset, shifting to the current PN offset (col. 2, lines 37-46). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to use pseudorandom noise (PN) offset in said received signals, and, if different from a previous PN offset, shifting to the current PN offset taught by Challa in the system of

Gollnick because the use offset in communication of signals can allow precise time correlation of signals and increases timing accuracy.

7. Claims 12 and 17, are rejected under 35 U.S.C. 103(a) as being unpatentable over Gollnick et al (USP 5,940,771) in view Sih et al (US Patent 6,608,858).

Regarding claims 12 and 17, Gollnick discloses appropriate memory registers for storing said portion of received signals, Gollnick, however, does not explicitly disclose a rake and search engine, wherein said memory device is adapted to input portion of received signals to said rake receiver and search engine. Sih in a similar field of endeavor discloses a rake receiver and searcher engine (searchers), adapted to input portion of received signals to said rake receiver and search engine (searchers) (col. 3, lines 1-14; col. 4, lines 45-67). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use rake receiver with searchers for inputting portion of received signals from memory as taught by Sih in the system of Gollnick so as to improve frequency tracking loop and reduce timing errors (col. 11, lines 27-29).

8. Claims 13, 14, 18 and 19, are rejected under 35 U.S.C. 103(a) as being unpatentable over Gollnick et al (USP 5,940,771) in view Watts, Jr. et al (US Patent 6,173,409).

As per claims 13, 14, 18 and 19, Gollnick discloses all limitations of the claims except does not explicitly disclose a sampling unit adapted to receive portion of received signals and to input portion of received signals to memory device. Watts in a

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similar field of endeavor discloses a sampling unit adapted (performs sampling in real time) to receive portion of received signals and to input portion of received signals to memory device (abstract; col. 3, lines 35-43; col. 3, lines 41-64). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use a sampling unit adapted to receive portion of received signals and to input portion of received signals to memory device as taught by Watts in the system of Gollnick because it can accomplish in real time performance level adjustments of the computer to manage power thereby reducing power consumption.

### ***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US Patent 5,677,928 to Rizzo et al.

US Patent 6,263,448 to Tsern et al.

US Patent 6,453,181 to Challa et al.

US Patent 6,091,703 to Saunders et al.

US Patent 5,960,039 to Martin et al.

US Pub. 2003/0189947 to Beshai.

US Pub. 2003/0076816 to Naranjo et al.

US Patent 6,269,043 to Batchner.

US Patent 5,142,684 to Perry et al.

US Patent (5,896,561) to Schrader et al.

US Pub. (2001/0053174) to Fleming et al.



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10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Qutub Ghulamali whose telephone number is (571) 272-3014. The examiner can normally be reached on Monday-Friday, 7:00AM - 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mohammad Ghayour can be reached on (571) 272-3021. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

QG.  
Examiner,  
AU-2611.  
September 29, 2006.

  
MOHAMMED GHAYOUR  
SUPERVISORY PATENT EXAMINER